S.B. Criminal Misc. Petition No. 1818/2007
(Moti Lal alias Bhanti Lal Vs. State of Rajasthan)

Date of order : 21.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. M.K. Garg for the petitioner.
Mr. Ashok Upadhyay, P.P.

By the instant criminal misc. petition moved under Section 482 Cr.P.C., the petitioner has challenged the order dated 27th July, 2007 passed by the Chief Judicial Magistrate, Jalore (for short 'the trial court'), issuing non-bailable warrant against the present petitioner for securing his presence.

Learned counsel for the petitioner submits that the petitioner will appear before the trial court on or before 12th December, 2007 and move regular bail application and the trial court may be directed to consider and decide the same on the very same day. He further submits that till 11th December, 2007, non-bailable warrant issued against the petitioner may not be executed. He also submits that the bailable warrant was not served on the petitioner and the trial court straight away issued non-bailable warrant.

In this view of the matter, let the petitioner surrender before the trial court on or before 12th December, 2007 and if any regular bail application is moved, the trial court shall consider and decide the same on the same day keeping in view that bailable warrant was not served on him. Till 11th December, 2007, non-bailable warrant issued against the petitioner in pursuance of the order impugned shall not be executed. It is made clear that if the petitioner does not surrender before the trial court, it will open for the trial court to secure the presence of the petitioner by non-bailable warrant.

With this observation, the criminal misc. petition is dismissed.

(H.R.PANWAR), J.

vij

S. B. Criminal Misc. Stay Petition No.1786/2007
In
S.B. Criminal Misc. Petition No.1786/2007

Date of Order : 21.11.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. M.K. Garg for petitioner.
Mr. Ashok Upadhyay, P.P.

Since the main petition itself has been dismissed, the stay petition also stands dismissed.

(H.R. PANWAR), J.

vij